

## **REMARKS**

Claims 1 and 3-21 are pending in the present application. Applicant respectfully requests reconsideration of the present claims in view of the following remarks.

### **I. Formal Matters**

#### **Interview Summary Under 37 C.F.R. §1.133**

A telephonic interview occurred between Examiner Brown and Jodi Hartman on October 24, 2006. Examiner Brown is sincerely thanked for taking the time to discuss the current Office Action. The interview covered the 35 U.S.C. §102 rejection of claims 1 and 3-21 as being unpatentable over United States Patent No. 6,988,194 to Nunn et al. (hereinafter “Nunn”). Examiner Brown suggested that the Office Action be formally responded to so that he could thoroughly review Nunn again because he felt that Nunn may be overcome by the current claims.

### **II. Claim Rejections**

Claims 1 and 3-16 are rejected under 35 U.S.C. §102(b) as being anticipated Nunn. This rejection is respectfully traversed.

#### **A. Claims 1 and 3-7 are allowable.**

Claim 1 recites that a method for maintaining a boot order of one or more mass storage devices within a computer system comprises retrieving a first list of mass storage devices within the computer system prior to the configuration change; comparing the mass storage devices of the first list with a second list of mass storage devices within the computer system after the configuration change to determine at least one mass storage device from the first list of mass storage devices that was removed from the computer system; and rearranging the boot order of the mass storage devices within the computer system after the configuration change so that the mass storage devices are booted in the order used prior to the configuration change.

Nunn does not teach or suggest a method for maintaining a boot order of one or more mass storage devices within a computer system comprising retrieving a first list of mass storage devices within the computer system prior to the configuration change and comparing the mass storage devices of the first list with a second list of mass storage devices within the computer

system after the configuration change to determine at least one mass storage device from the first list of mass storage devices that was removed from the computer system, as recited by claim 1. On the contrary, Nunn describes a method for preserving a boot order selected by a user or manufacturer by determining whether one or more bootable devices have been removed from a system, and if one of the bootable devices has been removed, then storing an indicator in the entry of the boot order corresponding to the removed bootable device that indicates that the removed bootable device is dormant. In particular, Nunn describes at column 4, lines 36-43, that BIOS 140 searches for each device that was present in system 100 prior to a boot event to determine if a device previously in system 100 is not currently present, and if BIOS 140 determines that a device previously present in system 100 is not currently present, then BIOS 140 accesses a list that indicates a boot order.

This is not analogous to the method recited by claim 1 because Nunn fails to teach or suggest determining whether one or more bootable devices have been removed from a system by retrieving a first list of bootable devices within the system prior to a configuration change and comparing the bootable devices on the first list with a second list of bootable devices within the system after the configuration change to determine at least one bootable device from the first list of bootable devices that was removed from the system. Instead, Nunn describes that BIOS determines if a device is currently not present *prior to* accessing a list that indicates a boot order.

For at least the reasons given above, claim 1 is allowable over Nunn. Since claims 3-7 depend from claim 1 and recite further claim features, Applicant respectfully submits that Nunn does not anticipate Applicant's claimed invention as embodied in claims 3-7. Accordingly, withdrawal of these rejections is respectfully requested.

B. Claims 8-12 are allowable.

Claim 8 recites that a method for maintaining a boot order that defines the order in which a computer system attempts to perform an initial program load from one or more mass storage devices within the computer comprises retrieving a first list of mass storage devices within the computer system prior to the configuration change and a second list of mass storage devices within the computer system after the configuration change; comparing the mass storage devices of the first list with the mass storage devices of the second list to determine the mass storage devices of the second list present in the first list; associating each of the mass storage devices of

the second list determined to be present in the first list with a boot priority such that the mass storage devices of the second list determined to be present in the first list are booted in the boot order used prior to the configuration change; after associating each of the mass storage devices of the second list determined to be present in the first list with a boot priority, determining at least one mass storage device of the second list not associated with a boot priority; and associating the at least one mass storage device of the second list with a boot priority such that the at least one mass storage device is booted at the end of the boot order.

Nunn does not teach or suggest a method for maintaining a boot order as recited by claim 8. In contrast, Nunn describes a method for preserving a boot order selected by a user or manufacturer by determining whether a bootable device has been added to the system, and if a bootable device has been added to the system, then storing an indicator for the added device in a new entry at the end of the list that indicates the boot order of the devices in the system. In particular, Nunn describes at column 5, lines 3-5, that BIOS 140 determines whether a device has been added to system 100, without further describing how the BIOS 140 determines that a device has been added.

This is not analogous to the method recited by claim 8 because Nunn fails to teach or suggest retrieving a first list of bootable devices within the system prior to a configuration change and a second list of bootable devices within the system after the configuration change, comparing the first list with the second list to determine the bootable devices of the second list present on the first list, associating the bootable devices of the second list also on the first list with a boot priority such that the bootable devices of the second list also on the first list are booted in a boot order before the configuration change, determining a bootable device on the second list not associated with a boot priority, and associating the bootable device on the second list with a boot priority such that the bootable device is booted at the end of the boot order. In fact, Nunn notes that a determination is made whether a bootable device has been added to the system, without discussing how that determination is made.

For at least the reasons given above, claim 8 is allowable over Nunn. Since claims 9-12 depend from claim 8 and recite further claim features, Applicant respectfully submits that Nunn does not anticipate Applicant's claimed invention as embodied in claims 9-12. Accordingly, withdrawal of these rejections is respectfully requested.

C. Claims 13-16 are allowable.

Claim 13 recites that a computer system operative to attempt an initial program load from one or more mass storage devices according to a defined boot order comprises a non-volatile memory storing a basic input/output system (BIOS) executable on the central processing unit operative to retrieve a first list of mass storage devices within the computer system prior to the configuration change and to retrieve a second list of mass storage devices within the computer system after the configuration change; to compare the mass storage devices of the first list with the mass storage devices of the second list to determine at least one mass storage device from the first list of mass storage devices that was removed from the computer system; and to rearrange the boot order of the mass storage devices within the computer after the configuration change so that the mass storage devices are booted in the order used prior to the configuration change.

Nunn does not teach or suggest a computer system comprising a BIOS executable on the central processing unit operative to retrieve a first list of mass storage devices within the computer system prior to a configuration change and a second list of mass storage devices within the computer system after the configuration change and to compare the mass storage devices of the first list with the mass storage devices of the second list to determine at least one mass storage device from the first list that was removed from the computer system. On the contrary, Nunn describes an information handling system for preserving a boot order selected by a user or manufacturer including a BIOS operative to determine whether one or more bootable devices have been removed from a system, and if one of the bootable devices has been removed, then to store an indicator in the entry of the boot order corresponding to the removed bootable device that indicates that the removed bootable device is dormant. In particular, Nunn describes at column 4, lines 36-43, that BIOS 140 searches for each device that was present in system 100 prior to a boot event to determine if a device previously in system 100 is not currently present, and if BIOS 140 determines that a device previously present in system 100 is not currently present, then BIOS 140 accesses a list that indicates a boot order.

This is not analogous to the computer system recited by claim 13 because Nunn fails to teach or suggest that the BIOS determines whether one or more bootable devices have been removed from a system by retrieving a first list of bootable devices within the system prior to a configuration change and a second list of bootable devices within the system after the configuration change and comparing the bootable devices on the first list with the bootable devices on the second list to determine at least one bootable device from the first list of bootable

devices that was removed from the system. Instead, Nunn describes that BIOS determines if a device is currently not present *prior to* accessing a list that indicates a boot order.

For at least the reasons given above, claim 13 is allowable over Nunn. Since claims 14-16 depend from claim 13 and recite further claim features, Applicant respectfully submits that Nunn does not anticipate Applicant's claimed invention as embodied in claims 14-16. Accordingly, withdrawal of these rejections is respectfully requested.

D. Claims 17-18 are allowable.

Claim 17 recites that a method for maintaining a boot order of one or more mass storage devices within a computer system comprises retrieving a list of the mass storage devices within the computer system prior to the configuration change, removing an entry for the at least one mass storage device removed from the computer system from the list of the mass storage devices, and rearranging the boot order of the mass storage devices remaining on the list of the mass storage devices so that the remaining mass storage devices are booted in the order used prior to the configuration change.

Nunn does not teach or suggest a method for maintaining a boot order of one or more mass storage devices within a computer system as recited by claim 17. On the contrary, Nunn describes a method for preserving a boot order selected by a user or manufacturer by determining whether one or more bootable devices have been removed from a system, and if one of the bootable devices has been removed, then storing an indicator in the entry of the boot order corresponding to the removed bootable device that indicates that the removed bootable device is dormant. In particular, Nunn describes at column 4, lines 40-60, that if BIOS 140 determines that a device that was previously present in system 100 is not currently present, then BIOS 140 accesses a list that indicates a boot order and stores an indicator in the entry in the list associated with the device determined not to be currently present that indicates that the device is dormant.

This is not analogous to the method recited by claim 17 because Nunn fails to teach or suggest removing the entry from the list associated with the device determined not to be currently present. Instead of removing the entry from the list for the device not currently present, Nunn describes that the entry corresponding to a removed bootable device remains in the boot order list and is marked as dormant indicating that the bootable device is not present in the system, as illustrated in Figure 3b.

For at least these reasons, claim 17 is allowable over Nunn. Since claim 18 depends from claim 17 and recites additional features, Applicant respectfully submits that Nunn does not anticipate Applicant's claimed invention as embodied in claim 18 for at least these reasons.

E. Claims 19-21 are allowable.

Claim 19 recites that a method for maintaining a boot order that defines the order in which a computer system attempts to perform an initial program load from one or more mass storage devices within the computer comprises determining prior to attempting to perform the initial program load whether a configuration change made to the computer system since a previous boot is a manual configuration change to the computer system; if the configuration change to the computer system is not a manual configuration change, then assigning a boot priority to each mass storage device currently in the system that was not installed at the previous boot at the end of the boot order; and if the configuration change to the computer system is a manual configuration change, then maintaining the boot order of the mass storage devices used prior to the configuration change.

Nunn does not teach or suggest a method for maintaining a boot order as recited by claim 19. In contrast, Nunn describes a method for preserving a boot order selected by a user or manufacturer by determining whether a device change is detected. In particular, Nunn describes at column 4, lines 21-31, that BIOS 140 determines whether a device change is detected and further describes that BIOS 140 may detect a device change in response to a device being added, removed from, or replaced in system 100 or where a device malfunctions.

This is not analogous to the method recited by claim 19 because Nunn fails to teach or suggest determining whether the device change is a manual device change, and if so, then storing an indicator for the added device in a new entry at the end of the list that indicates the boot order of the devices in the system, and if not, then maintaining the boot order of the devices used prior to the change. In fact, Nunn describes that the BIOS determines whether a device change is detected, without teaching or suggesting how the BIOS determines whether a device change is detected.

For at least these reasons, claim 19 is allowable over Nunn. Since claims 20-21 depend from claim 19 and recite additional features, Applicant respectfully submits that Nunn does not anticipate Applicant's claimed invention as embodied in claims 20-21 for at least these reasons.

**CONCLUSION**

For at least these reasons, Applicant asserts that the pending claims 1 and 3-21 are in condition for allowance. Applicant further asserts that this response addresses each and every point of the Office Action, and respectfully requests that the Examiner pass this application with claims 1 and 3-21 to allowance. Should the Examiner have any questions, please contact Applicant's attorney at 404.522.1100.

Respectfully submitted,

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